

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC CHRISTENSEN,

Defendant.

CASE NO. CR18-5411 BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
SEAL, REQUESTING STATUS
REPORT, AND RENOTING
PLAINTIFF'S MOTION FOR
COMPASSIONATE RELEASE

This matter comes before the Court on Eric Christensen's ("Christensen") motion for compassionate release, Dkt. 39, the Government's motion to seal, Dkt. 51, and Christensen's notice of additional authority, Dkt. 54.

On June 15, 2020, Christensen filed a motion for compassionate release requesting that the Court reduce his term of incarceration to time-served and release him from the Federal Correctional Institution in Lompoc, California ("FCI Lompoc"). Dkt. 39. On July 6, 2020, the Court requested supplemental briefing. Dkt. 49. On July 8, 2020, the Government filed a supplemental response, Dkt. 50, a motion to seal, Dkt. 51, and an exhibit in support of its supplemental brief, Dkt. 52. On July 16, 2020, Christensen filed a notice of additional authority. Dkt. 54.

Regarding the motion to seal, the Government asserts that the exhibit it submitted in support of its supplemental response contains references to Christensen's medical

1 conditions and should remain under seal. Dkt. 51. The Court agrees that this information
2 should remain confidential and therefore **GRANTS** the motion.

3 Regarding the supplemental authority, Christensen informed the Court of a related
4 habeas matter in the Central District of California, *Torres v. Milusnic*, Case No. 20-4450-
5 CBM-PVC(x), 2020 WL 4197285 (C.D. Cal. July 14, 2020). In *Torres*, the court granted
6 a motion to certify a class of inmates at FCI Lompoc and a motion for preliminary
7 injunctive relief. *Id.* Relevant to Christensen's motion, the court certified a class of
8 inmates with underlying medical conditions and ordered FCI Lompoc officials to timely
9 notify each member of the class whether the member qualifies for release or home
10 confinement during the global pandemic. *Id.* It is unclear whether the relief requested in
11 *Torres* will be temporary, meaning inmates shall return to FCI Lompoc once certain
12 threats from the pandemic subside, or permanent, meaning an inmate's sentence is
13 reduced to time served or converted to home confinement for the duration of the term of
14 confinement. The Court therefore requests a status report from Christensen whether FCI
15 Lompoc officials have rendered a decision on his request for relief. The status report
16 shall be filed no later than August 21, 2020, and the Clerk shall renote Christensen's
17 motion, Dkt. 39, for consideration on the Court's August 21, 2020 calendar.

18 **IT IS SO ORDERED.**

19 Dated this 14th day of August, 2020.

20
21 

22 BENJAMIN H. SETTLE
United States District Judge